

63G-12-303 Liability protections.

- (1) On or after the program start date, a private employer may not be held civilly liable under state law in a cause of action for the private employer's unlawful hiring of an unauthorized alien if:
 - (a) the private employer complies with Subsection 63G-12-301(2); and
 - (b) the information obtained after verification under Subsection 63G-12-301(2) indicates that:
 - (i) the employee's federal legal status allowed the private employer to hire the employee; or
 - (ii) on and after the program start date, the employee held a valid permit.
- (2) On or after the program start date, a private employer may not be held civilly liable under state law in a cause of action for the private employer's refusal to hire an individual if:
 - (a) the private employer complies with Subsection 63G-12-301(2); and
 - (b) the information obtained after verification under Subsection 63G-12-301(2) indicates that the employee:
 - (i) was an unauthorized alien; and
 - (ii) on and after the program start date, does not hold a valid permit.
- (3) This chapter does not create a cause of action, on the basis of discrimination or otherwise, for not hiring an individual who holds a permit.
- (4) This section applies to a private employer that verifies the employment eligibility of a new employee as described in Subsection 63G-12-301(2) regardless of whether the private employer has less than 15 employees within the state.

Enacted by Chapter 18, 2011 General Session